

**Virginia Wolverton**  
**1600 Five Springs Drive**  
**Chattanooga, TN 37419**

March 13, 2007

*Secretary / record*  
JUDICIARY  
Exhibit No. 6  
Date 3-21-07  
Bill No. HB 695

Senator Jesse Laslovich  
Montana State Senate  
Helena, MT 59620-1706

Dear Senator Laslovich:

I am Virginia Wolverton. I live in Chattanooga, Tennessee. In May of 2001 my daughter Melissa was killed by the negligence of a Montana anesthesiologist. She was 35 when it happened. The anesthesiologist was not paying attention during a routine hammertoe procedure, so when my daughter stopped breathing, he didn't notice. By the time he realized what happened, her brain had been without oxygen for several minutes and she was declared brain dead later that day. She died in the hospital three weeks later. She was a single mother. Her only son, Ben, who was fourteen at the time, came to live with me here in Tennessee. I've raised him ever since. He's 20 now. He's been living with me and working full time while he attends junior college at Chattanooga State. With the help of our Montana lawyer, and four years of hard work on the case, we were able to get a modest settlement that will make it so Ben can pay off his car loan and afford to apply to a four year college to get a degree in computer science. The settlement was not a whole lot of money considering that it was for the death of Ben's only parent, but it made something possible that his mother had always hoped she'd be able to help him do - go to college.

You can't imagine what my grandson went through when he lost his only parent and had to be uprooted from Montana. If you could, you would know how unfair the malpractice damage cap really is. But if on top of that, the insurance company had been allowed to subtract from the settlement the amount of money that they could have argued she would have consumed during her lifetime, then the costs of the experts for the lawsuit, plus the costs of having to reimburse Medicaid for her medical bills during the three weeks that she lived, plus the one-third attorney fees would have used up so much of the money from the settlement that Ben wouldn't have the opportunity to go to college that his mom always wanted him to have.

I'm sorry I couldn't tell you more about the amount of money involved and some of the other details, but the doctor and the insurance company required me to sign a confidentiality agreement.

For the sake of families like ours, please vote NO on bill 695 that would let insurance companies take money away from kids like my grandson.

Thank you,

*Virginia Wolverton*

Virginia Wolverton  
Mother of Melissa Morgan,  
Grandmother of Ben Morgan